SINGLE BENCH

(5) (3)

CF1002

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) No. 7120 /2006

PETITIONER — Narayan Prasad Chandra, S/o. Shiv Lal Chandra, aged about 23 years, Secretary, Gram Panchayat Kapisda, Block Bahmnidih, Distt. Janjgir-Champa.

P.R. No. 22/11/06
Presented by Vivek K. Sharma
Date 11/12/06

VERSUS

RESPONDENTS

1. State of Chhattisgarh, through Secretary, Department of Panchayat, D.K.S. Bhawan, Raipur (C.G.).
2. The Collector, Janjgir-Champa (C.G.).
3. The Deputy Director, Panchayt and Social Welfare, Janjgir-Champa (C.G.).
4. The Chief Executive Officer, Janpad Panchayat, Bahmnidih, District Janjgir-Champa (C.G.).

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(6) (4)

5. Gram Panchayat Kapisda through Sarpanch, Block Bahmnidih, District Janjgir-Champa (C.G.).

6. Chat Ram Sahu, S/o. Not known, Sarpanch Gram Panchayat Kapisda, District Janjgir-Champa (C.G.).

WRIT PETITION UNDER ARTICLE 226/~~227~~ OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT OF MANDAMUS CERTIORARY PROHIBITION AND ANY OTHER WRIT/ORDER/DIRECTION ON THE SAME NATURE IN THE CIRCUMSTANCES OF THE CASE.

XI-HC-78

(62)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...W.P...71.2-6/06... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

2.1.2007:

Shri Pravin Das learned counsel for the petitioner.

Ms. Sunita Jain PL appears for respondents 1 to 5 on advance copy.

By the instant petition the petitioner has impugned the order dated 14.9.2006 of Annexure P-4 by which the respondent No.3 has posted one Shri B.L. Behra working as Sahayak Gram Panchayat Adhikari, Gram Panchayat Bamhnidih to officiate as Secretary of Gram Panchayat Kapisda by way of interim arrangement as the proceedings for removal of the petitioner from the post of Secretary are pending before the Chief Executive Officer, Janpad Panchayat Bamnhidih.

Learned counsel for the petitioner submits that show cause notice was issued to the petitioner some one and half years back, however, there is no progress in the inquiry against the petitioner and in the meanwhile another person has been posted in his place and in the aforesaid circumstances the order of Annexure P-4 is liable to be quashed.

Heard counsel for the petitioner and perused the record.

From perusal of the order of annexure P-4 it appears that some inquiry is going on against the petitioner and the petitioner has not been removed from the post of Secretary of Gram Panchayat, Kapisda and as such no cause of action is available to the petitioner at this stage for filing the instant writ petition. Thus the petition being premature is liable to be dismissed at this stage and it is accordingly dismissed. However, if the

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(65)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(2)

मामला क्रमांक W.P.(T).7120/06 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	petitioner so desires may file appropriate petition after the cause of action is available to him. In view of this order MWP No. 5028/2006 for interim relief stands disposed of. **Sd/-** **Dhirendra Mishra** **Judge**	

P.T.O.